IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELALTE SIDE

WRIT PETITION NO. 1727 OF 2005

Derrick Edwin Fulgado. ...Petitioner.
Vs.
Municipal Corporation for Greater Mumbai & Ors. ...Respondents.
....
Mr. B. P. Shukla for the Petitioner.
.....

CORAM : DR.D.Y.CHANDRACHUD, J.

August 31, 2005.

P.C.:

The order of the Learned Trial Judge allowing the Chamber Summons for the impleadment of the applicants thereto as party Defendants cannot be faulted. The applicants to the Chamber Summons and the Petitioner herein, who is the original Plaintiff, have adjoining properties. The grievance of the applicants is that the Plaintiff had encroached upon their property unauthorisedly and that the construction which has been put up by the Plaintiff protrudes on the property of the applicants and the space between the two properties. The applicants are, in the present circumstances, in any event, proper parties. The Corporation had issued notices after persistent efforts made by the applicants and their rights would be affected by the adjudication of

the Court. In the circumstances, I see no reason to interfere. The petition is accordingly dismissed.

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